

The 3rd December, 1976

No. 11844-4Lab-76/33062.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak, in respect of the dispute between the workman and the management of M/s Hindustan National Glass Industries Ltd., Bahadurgarh :

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 49 of 1974

between

SHRI SURAJ BHAN, WORKMAN AND THE MANAGEMENT OF M/S HINDUSTAN
NATIONAL GLASS INDUSTRIES, LTD., BAHADURGARH (ROHTAK)

AWARD

By order No. 1D/RK/13D-73/19968-72, dated 10th July, 1974, the Governor of Haryana, referred the following dispute between the management of M/s Hindustan National Glass Industries Ltd., Bahadurgarh and its workman Shri Suraj Bhan, to this Court, for adjudication, in exercise of the powers conferred by clause (c) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 :—

“Whether the termination of services of Shri Suraj Bhan was justified ? If not, to what relief is he entitled ?

The parties put in their appearance before me in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following issues framed,—*vide* order, dated 4th December, 1974 :—

1. Whether the demand, the subject matter of the present reference was first raised on the management and rejected by it before taking up the matter for conciliation ? If not, with what effect ?
2. Whether the termination of services of Shri Suraj Bhan was justified and in order ? If not, to what relief is he entitled ?

Shri R.C. Dhaiya made a statement before me on 3rd November, 1976 that the claim of the workman had been settled and satisfied by the management and that he as such proposed to withdraw the demand made by him on the management leading to this reference.

It would thus appear that the demands of the workman have been satisfied and there is now no dispute between the parties requiring adjudication. I hold accordingly and answer the reference while returning the award in these terms.

Dated the 5th November, 1976.

MOHAN LAL JAIN.

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 2492, dated the 15th November, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under Section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN.

Presiding Officer,
Labour Court, Haryana,
Rohtak.

The 6th December, 1976

No. 1840-4Lab-76/33127.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding

Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. Colts Engineering Industries, Sector-4, Faridabad.

**BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD**

Reference No. 162 of 1974

between

**SHRI RAGHUBIR SINGH WORKMAN AND THE MANAGEMENT OF M/S. COLTS
ENGINEERING INDUSTRIES, SECTOR-4, FARIDABAD.**

Present :

Shri Sunhari Lal for the workman.

Shri Gulzar Singh for the management.

AWARD

Shri Raghubir Singh workman concerned was in the service of M/s. Colts Engineering Industries, Sector-4, Faridabad since 1st January, 1973. The management allegedly terminated his services on 19th April, 1974 without any justification. This gave rise to an industrial dispute.

On receipt of the failure report from the Conciliation Officer, the dispute was referred for adjudication to this Tribunal by order No. ID/FD/74/35537, dated 17th October, 1974 of the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, with the following term of reference:—

Whether the termination of services of Shri Raghubir Singh was justified and in order ? If not, to what relief is he entitled ?

The parties were called upon to put in their respective pleadings. It is, however, not necessary to proceed with the case as an amicable settlement has been arrived at between the parties and the workman concerned has received his dues in full and final settlement of his entire claim against the management, giving up his right of reinstatement or re-employment, as stated by his authorised representative Shri Sunhari Lal.

In view of the above, a no dispute award is given taking into consideration the amicable settlement arrived at between the parties outside the Court holding that the workman concerned is not entitled to any other relief by way of reinstatement etc. There shall be no order as to costs.

Dated the 28th January, 1975.

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 109, dated 20th January, 1975

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA.

Dated the 20th January, 1975.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 4871-4Lab-76/33131.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the management of M/s. Excelsior Plants Corporation Limited Opposite Block M, Sector-2, Pali Road, Faridabad.

**BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD**

Reference No. 15 of 1974

between

**SHRI ISHWAR DAYAL, WORKMAN AND THE MANAGEMENT OF M/S. EXCELSIOR
PLANTS CORPORATION LIMITED OPPOSITE BLOCK M, SECTOR-2, PALI ROAD,
FARIDABAD**

AWARD

By order No. ID/FD/73/5296-100, dated 4th March, 1974, the Governor of Haryana, referred the following dispute between the management of M/s. Excelsior Plants Corporation Limited opposite Block M, Sector-2, Pali Road, Faridabad and its workman Shri Ishwar Dayal, to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:—

“Whether the termination of services of Shri Ishwar Dayal was justified and in order. ? If not, to what relief is he entitled ?”

The parties put in their appearance in this Tribunal and filed their pleadings giving rise to the following issues framed by me vide order dated 8th October, 1974 : —

- 1 Whether the demand the subject-matter of the present reference was first raised on the management and rejected by it before taking up the matter for conciliation ? If not, with what effect ?
- 2 Whether the termination of services of Shri Ishwar Dayal was justified and in order ? If not to what relief is he entitled ?

Shri H. R. Dua, who had been appearing for the management till 9th February, 1976, pleaded want of inspections from the management on 11th May, 1976 when the case was fixed for recording evidence of the management with the result that in absence of their duly authorised representative prepared to contact the case on their behalf, *ex parte* proceedings were taken up against the management on that date and *ex parte* statement of the workman was recorded.

The workman deposed that his services as a fitter on wages Rs. 245/- per mensem were terminated by the management on 24th August, 1973 without assigning any reason and without holding any enquiry against him and that they did not allow him to enter the premises of the factory on the aforesaid date.

I see no reason to disbelieve the *ex parte* statement of Shri Ishwar Dayal, workman concerned particularly when the proceedings against the management are *ex parte* and they have taken no care to produce their defence. I, accordingly, relying on his evidence hold that the termination of his services by the management was unjustified and that he is entitled to reinstatement with full back wages and continuity of service.

I answer the reference while returning the award in terms of these findings.

Dated the 12th May, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 595, dated 13th May, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 13th May, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 7140-4Lab-76/33135.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the Management of M/s Kaushal & Co. (Bhilai) (P) Ltd, Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 93 of 1973

between

SHRI HARPARSHAD SINGH WORKMAN AND THE MANAGEMENT OF M/S KAUSHAL AND CO.
(BHILAI) (P) LTD., FARIDABAD

Present:

Nemo for the workman.
Shri S. L. Gupta, for the management.

AWARD

By order No. ID-FD 73/252,17868, dated 24th May, 1976 of the Governor of Haryana, the following dispute between the management of M/s Kaushal & Co. (Bhilai) (P) Ltd, Faridabad and its workman Shri Harparshad Singh was referred for adjudication to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947:

Whether the termination of services of Shri Har Parshad Singh was justified and in order? If not to what relief is he entitled?

On receipt of the order of reference, usual notices were given to the parties and they were required to put in their respective pleadings. The workman concerned has not filed any statement of claim in spite of getting a number of adjournments and he has further elected not to appear in person or through authorised representative to pursue his claim. On the other hand, the management has pleaded settlement of the dispute and payment of his dues.

Shri S.L. Gupta authorised representative of the management has sworn testimony to the fact that Shri Harparshad Singh had approached the management for the settlement of the dispute and after mutual discussions an amicable settlement was arrived at, as per terms and conditions given in the memorandum of settlement Ex. M-1. He has further deposed that according to this settlement a sum of Rs. 171.02 found due was paid to the workman in full and final settlement of his claim against voucher copy whereof has been produced as Ex. M-2. Both the memorandum of settlement and the original voucher (seen and returned) are signed by the workman Shri Harparshad Singh.

In view of the above, no further proceedings are called for in the case and there is apparently no reason to disbelieve the plea of settlement raised on behalf of the management, which finds support in documentary evidence referred to above, especially when the workman is not coming forward in person or through authorised representative to contest his claim. A no dispute award is, therefore, given in terms of the above settlement holding that Shri Harparshad Singh workman concerned is not entitled to any further relief by way of reinstatement, re-employment or payment of any back dues. There shall, however, be no order as to costs.

Dated the 13th February, 1975.

O. P. SHARMA.
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 251, dated the 14th February, 1975

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 14th February, 1975.

O. P. SHARMA.
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1952-4Lab-76/33201. --In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workman and the Management of M/s Lakshmi Rattan Engineering Works Limited, Faridabad.

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 27 of 1973

between

SHRI SEWA RAM WORKMAN AND THE MANAGEMENT OF M S LAKSHMI RATTAN
ENGINEERING WORKS, LIMITED, FARIDABAD

Present:

Shri Chaman Lal Oberoi for the workman
Shri R. C. Sharma for the management.

AWARD

Shri Sewa Ram workman concerned was in the service of M/s Lakshmi Rattan Engineering Works, Ltd., Faridabad as a Hammer Master since 1969 and was getting Rs. 126 per mensem. According to him the management terminated his services with effect from 4th September, 1972 without any reasonable ground and when he pressed for reinstatement his demand was not accepted. He then gave the demand notice dated 3rd October, 1972 whereupon conciliation proceedings were started. In conciliation also the management did not show any willingness to take him back on duty.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the dispute for adjudication to this Tribunal *vide* order No. ID/FD/72/101303, dated 13th March, 1973, with the following terms of reference:—

Whether the termination of services of Shri Sewa Ram was justified and in order ? If not, to what relief is he entitled ?

The parties put in their respective pleadings. Shri Sewa Ram reiterated his demand for reinstatement as earlier raised through the demand notice leading to the present reference alleging that he was a permanent workman and his services had been terminated by the management in an illegal manner. On the other hand, the management pleaded that it was a simple case of self-abandonment of service by this workman who had remained absent from duty from 31st July, 1972 onwards, without any leave or proper authorisation and his name was, therefore, struck off the rolls on 10th August, 1972 as per the Certified Standing Orders of the Company. It was further pleaded that the demand had not been properly raised first on the management and rejected by it so as to constitute an industrial dispute. In his replication the workman submitted that he had been taken ill and had submitted medical certificate upto 31st July, 1972 and when he finally approached the management with a fitness certificate he was not allowed to resume duty. The following two issues arose for determination from the pleadings of the parties in the case :—

- (1) Whether the demand the subject matter of the present reference was first raised on the management and rejected by it before taking up the matter before Conciliation Officer ? If not, with what effect ?
- (2) Whether the termination of services of Shri Sewa Ram was justified and in order ? If not, to what relief is he entitled ?

Shri Partap Narain Srivastava, Time keeper, M.W.1 has appeared on behalf of the management and deposed that Shri Sewa Ram remained on sick leave from 1st July, 1972 to 30th July, 1972 but he did not report for duty on the expiry of the leave on 31st July, 1972 and continued remaining absent till 9th August, 1972 and as such he was deemed to have left his job. He has further stated that he never came to the factory nor was any leave application received from him. In cross-examination he has denied that the Labour Officer Shri Sham Chander Joshi was not on duty in the factory on 9th August, 1972 who had written the word left against the name of Shri Sewa Ram.

Shri Sewa Ram workman concerned has made his own statement as W.M.1 besides examining his son Shri Paras Ram W.M.2. Some adjournments had been obtained by him to produce a private medical practitioner from Delhi who was however, later on given up and a photostat copy of the medical certificate said to have been issued by the said medical practitioner on 3rd August, 1972 Ex. W-4 was tendered in evidence, the original having allegedly been submitted to the management direct. The other documents relied upon by the workman including the demand notice dated 3rd October, 1972 Ex. W-1, postal receipt Ex. W-2, conciliation report Ex. W-3.

The case has been well argued on both sides and I have given due consideration to the facts on record.

As already pointed out the case for the management is that this workman had remained on sick leave from 1st July, 1972 to 30th July, 1972 and thereafter he had not reported for duty nor submitted any application for extension of his leave. The burden was naturally upon the workman concerned to substantiate from cogent and convincing evidence that he had not remained absent from duty during the month of August, as contended by the management. But after carefully scrutinizing the entire evidence produced on both sides oral as well as documentary, I am constrained to observe that he has failed to discharge this burden. It is common ground between the parties that his leave for the period from 1st July, 1972 to 30th July, 1972 had been duly sanctioned. It has nowhere been stated by the workman that he had applied for leave for 31st July, 1972. He has placed relied upon a photostat copy of the medical certificate which purports to have been issued to him by a private medical practitioner at Delhi showing that a period of absence from duty from 1st August, 1972 to 31st August, 1972 was absolutely necessary for the treatment and the restoration of the health of this workman. This certificate was produced at a very late stage. There is no mention of it in the demand notice, the statement of claim filed in the Court nor in the replication submitted after the management had raised the specific plea in the written statement about the unauthorised absence from duty of this workman from 31st July, 1972 onwards. The demand notice, the statement of claim and the replication are, in fact, altogether silent about his illness during the month of August, 1972. This was a fact within his knowledge and strangely enough he has simply failed to mention about it any where that

he had been taken ill after 30th July, 1972 and had remained under the treatment of the private medical practitioner at Delhi who as already observed, has not been examined as a witness to stand the test of cross-examination by the opposite party. In the circumstances, no reliance can safely be placed upon this sort of medical certificate which was produced at a very later stage and there is no corroborative evidence to establish the factum of the illness mentioned in the certificate, so much so that the worker himself has not stated this fact at the proper stage. This certificate, or for that matter, the factum of the illness of the workman after 30th July, 1972 is manifestly an after thought and his plea, in view of the specific denial of the management that no application for the extension of the leave or medical certificate had been received from him, has, therefore, got to be disbelieved.

It would thus appear that it is a clear case of self-abandonment of service by the workman concerned who had remained absent from duty for more than six days consecutively, without any leave or proper authority and his name, therefore, stood automatically terminated as per clause 8(e) of the certified standing orders of the company which may usefully be reproduced as under :

"8(e) A workman remaining absent beyond the period of leave originally granted subsequently extended shall be liable to lose his appointment unless he returns within 6 days of the expiry of the sanctioned leave and explains to the satisfaction of the authorities granting leave his inability to resume his duty immediately on the expiry of his leave. A workman not returning for duty within 8 days of the expiry of leave shall be treated as having left the services from the date he was due to resume work. A record shall be maintained of the leave of absence which is due to the worker under the legislation for the time being in force and the leave which has been sanctioned and taken by the worker".

In other words, the services of this workman stood automatically terminated when he did not report for duty continuously for more than six days after the expiry of his leave sanctioned upto 1st July, 1972 nor did he submit any explanation to the management within the prescribed period. He was deemed to have left service without notice resulting into the loss of lien on the job held by him, without any action on the part of the management. In the circumstances, the question of termination of his services by the management or its justification does not arise for consideration in the case.

Moreover, the demand, the subject matter of the present reference, does not appear to have been properly-raised first on the management and rejected by it the demand notice Ex. W-1 was simultaneously given to the management and the Conciliation Officer on 3rd October, 1972 long after his name had stood struck off the rolls. The law is well settled on the point. As laid down by Hon'ble the Supreme Court in the oftquoted judgement in the Sindhu Re-settlement Corporation case, the demand should first be raised on the management and rejected by it before taking up the matter for conciliation and the management should have reasonable time to consider the demand. This important requirement of law has, however, not been satisfied in the instant case and as such it can not be held that an industrial dispute existed between the parties which could validly be referred for adjudication. That disposes off the entire case. No other point worth consideration has been urged on either side.

So, on the facts established and for the reasons aforesaid both the issues are decided against the workman holding that it is a clear case of self-abandonment of service by him and no industrial dispute having been properly raised in the manner required by law. There could be no valid reference of the same and, in the result, he is not entitled to any relief by way of reinstatement or payment of back dues. The award is made accordingly but without any order as to costs.

O. P. SHARMA.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 31st January, 1975.

No. 303, Dated the 3rd February, 1975.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 3rd February, 1975.

No 6777-4Lab -76/33211.-- In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947) the Governor of Haryana is pleased to publish the following award of the Presiding Officer Labour Court, Rohtak in respect of the dispute between the workmen and the management of M/s Jain Textile and Woollen Mills, Rohtak.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, LABOUR COURT, HARYANA,
ROHTAK

Reference No. 29 of 1976

Between

SHRI MANESHWAR WORKMAN AND THE MANAGEMENT OF M/S JAIN TEXTILE AND
WOOLLEN MILLS, ROHTAK

AWARD

By order No. ID/RK/300-A-76/10442, dated the 18th March, 1976 the Governor of Haryana referred the following dispute between the management of M/s Jain Textile and Woollen Mills, Rohtak and its workman Shri Maneshwar to this Labour Court for adjudication in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

Whether the termination of services of Shri Maneshwar was justified and in order ? If not, to what relief is he entitled ?

Shri Maneshwar workman made a statement before me on 1st July, 1976 with drawing the demand leading to the reference on the ground that he had received Rs 350 from the management in full and final settlement of all his claim against them including that of his reinstatement and that there was now no dispute between the parties requiring adjudication.

It would thus appear from the statement of the workman as referred to above that the demand raised by him on the management has been fully satisfied and there is now no dispute between the parties requiring adjudication.

I hold accordingly and answer the reference while returning the award in these terms.

Dated the 2nd July, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana, Rohtak.

Endorsement No. 1600, dated the 2nd July, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer,
Labour Court, Haryana, Rohtak.

No. 7105-4-Lab-76/33257.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the Management of M/s Essex Farms Private Limited, Kundli (Sonapat).

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 85 of 1975.

Between

THE WORKMEN AND THE MANAGEMENT OF M/S ESSEX FARMS PRIVATE LIMITED,
KUNDLI (SONEPAT)

AWARD

By order No. ID/RK/104-A-75/23178, dated 29th April, 1975, the Governor of Haryana, referred the following dispute between the management of M/s Essex Farms Private Limited, Kundli (Sonapat) and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947.

- (1) Whether the workers should be paid bonus for the year 1973-74 ? If so, with what details ?
- (2) Whether the workers should be provided pay slips and attendance cards ? If so, with what details ?
- (3) Whether the seasonal uniforms along with pair of shoes should be provided to the workers of the factory ? If so, with what details ?

The parties put in their appearance in response to the usual notices of reference sent to them and filed their pleadings.

The management raised a preliminary objection amongst others, that the reference was legally barred under a settlement, dated 14th March, 1974 whereby the workmen agreed to accept bonus for the year 1973-74 at

the rate of 8.33 % of their annual wages as declared by the management for the year, 1972-73 and the management agreed to grant each one of them an adhoc increase of Rs. 20 per month with effect from 1st March, 1974 in his wages, on the condition that the workmen shall not raise any demand in any shape involving the company in any financial liability, during the period of one year beginning from 14th March, 1974.

One of the issues framed on pleas of the parties, *vide* my order, dated 16th September, 1975 and treated as preliminary, reads as under :—

- (1) Whether the reference made to this Tribunal in respect of the dispute stated therein, is legally barred under a settlement alleged to have been arrived at between the workmen and the management on 14th March, 1974 ?

The management in order to prove the aforesaid issue, examined Shri B.B. Sharma, their Manager, M.W.1 and Shri A. K. Goel one of their Directors M.W. 2. signatories of the settlement Ex. M-2, brought on record by them. Each one of them deposed that the settlement Ex. M-2 was signed in his presence by Shri M.S. Rath, General Secretary, General Workers Union, Sonapat, and Sarvshri Piara Lal, Hoshiar Singh, Chanderika Parshad and Aziz, who represented the workmen, in his presence. Shri B.B. Sharma added that besides the aforesaid person representing the workmen, each workman on duty on 14th March, 1974 also signed the settlement and a copy thereof was sent to the Conciliation Officer, Sonapat, Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, and Labour Commissioner, Haryana, Chandigarh. Nothing could be brought out in cross-examination of any of these witnesses justifying rejection of his evidence as suspicious and I see no reason to disbelieve any of them.

The workmen represented by Shri Onkar Parshad their authorised agent were directed to adduce their evidence on 5th July, 1976 when they absented themselves with the result that the evidence led by the management consisting of the testimony of Shri B.B. Sharma and A. K. Goel and the settlement Ex. M-2 remained unrebutted.

I now therefore relying on the evidence led by the management hold that the workmen arrived at a settlement Ex. M-2 and duly executed the same on 14th March, 1974. Clause 2 of the settlement being that the same shall remain in operation for a period of one year and no further demand shall be raised by the workmen in any shape involving the company in any financial liability, the reference for adjudication of the dispute as stated above made to this Tribunal on demand raised by the workmen on the management on 18th October, 1974 within a period of one year from the date of settlement, involving the management in financial liability is obviously barred.

I thus decide the preliminary issue in favour of the management and hold that the reference is legally barred,—*vide* settlement, dated 14th March, 1974 made between the parties and that the workmen are not entitled to any relief. I accordingly answer the reference while returning the award in these terms.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated 9th July, 1976.

No. 891, dated the 9th July, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 10323-4Lab-76/33519.- In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the Management of M/s Minerva Talkies, Ambala Cantt.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Reference No. 4 of 1976

Between

THE WORKMEN AND THE MANAGEMENT OF M S MINERVA TALKIES, AMBALA CANTT

AWARD

By order No. ID/AMB/444-A-75/1157, dated 7th January, 1976 the Governor of Haryana, referred the following dispute between the management of M/s Minerva Talkies, Ambala Cantt and its workmen to this Tribunal for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

(1) Whether the workers should be provided with seasonal uniforms? If so, with what details?

(2) Whether identity cards should be given to the workers? If so, with what details?

Whereas the workmen put in their appearance through their authorised representative Shri Jagdish Sehay, General Secretary, Cinema Employees Union, Ambala City, in response to the usual notices of the reference sent to them, the management absented themselves on 21st July, 1976 despite personal service of such notices with the result that *ex parte* proceedings are taken up against them on that date. Shri Jagdish Sehay in *ex parte* evidence made his own statement in corroboration of the demands raised by him on the management leading to this reference while giving out that Ambala was an important town of the State of Haryana and the management was making huge income every month and had a flourishing business. He added that the Cinema in question attracted persons of high status and the management was under the circumstances liable to provide one warm uniform immediately and one such uniform every three years and two summer uniforms every year. He continued to say that some of the workmen who had to work on machines, had to get their wearing clothes prepared sooner than usual on account of the wear and tear caused to their uniforms on account of their duties. Shri Ami Chand, Operator and Manu sweeper corroborated this part of the statement of Shri Jagdish Sehay and deposed that their clothes got spoiled and torn out in the discharge of their duties. Shri Jagdish Sehay deposed that the workmen were also entitled to the supply of duty cards.

I see no reason to disbelieve the evidence led by the workmen in support of the demands leading to the reference particularly when the proceedings against the management are *ex parte* and they have not taken care to defend the same despite personal service of notice of demands. I thus relying on the evidence led by the workmen hold that they are entitled to the grant of a winter uniform immediately and one after every three years and two summer uniforms every year besides supply of duties card. I thus answer the reference while returning the award in these terms.

Dated, the 23rd September, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1081, dated 28th September, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated, the 20th September, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 2220-4Lab-75/33521.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s. Rajindera Paper Mill, 51 New Industrial Area, Faridabad.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 30 of 1974

between

SHRI LACHHMAN DASS WORKMAN AND THE MANAGEMENT OF M/S. RAJINDERA
PAPER MILL, 51 NEW INDUSTRIAL AREA, FARIDABAD

Present :—

Nemo, for the workman.

Shri S. L., Gupta, for the management.

AWARD

Shri Lachhman Dass, workman concerned was in the service of M/s. Rajindera Paper Mills, 51 New Industrial Area, Faridabad. The management allegedly terminated his services on 11th September, 1973, without assigning any reason. He demanded reinstatement but without success. The matter was taken up for conciliation which also ended in failure.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 referred the dispute for adjudication to this Tribunal, - vide order No. ID/FD/73/5741, dated 6th March, 1974 with the following term of reference.

Whether the termination of services of Shri Lachhman Dass was justified and in order? If not, to what relief is he entitled?

The parties were called upon to put in their respective pleas. The workman concerned has elected not to appear in person or through authorised representative to pursue his claim. The management, on the other hand, has pleaded that it is a case of self abandonment of service by the workman who had received his full dues against vouchers duly thumb marked by him.

Shri S. L. Gupta, authorised representative of the management has sworn testimony to the fact that Shri Lachhman Dass, workman concerned had left service of his own accord and received payment of his dues against vouchers copies Ex. M-1, M-2, M-3 (original seen and returned), in full and final settlement of his entire claim against the management.

In view of the above, no further proceedings are called for in the case and there is apparently no reason to disbelieve the plea of self abandonment of service by the workman concerned and receipt of the dues by him, in full and final settlement of his entire claim against the management, especially when he is not coming forward in person or through authorised representative to contest his claim. The workman having left service of his own sweetwill and cleared his account, no industrial dispute in fact existed between the parties which could validly be referred for adjudication to this Tribunal. Even otherwise he is not entitled to any relief by way of reinstatement or payment of back dues. The award is accordingly made but without any order as to costs.

O. P. SHARMA,

Dated :

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 250, dated 14th February, 1975

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 14th February, 1976

O.P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1835-41 ab-75 33523. - In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the Management of M/s. Frick India Ltd., 13/3, Mathura Road, Faridabad.

BFFOR: SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 148 of 1973

between

SHRI UDHEY NARAIN MISRA, WORKMAN AND THE MANAGEMENT OF M/S FRICK INDIA LTD., 13/3, MATHURA ROAD, FARIDABAD

Present :

Shri Udhey Narain Misra, workman concerned and Shri Sagar Ram Gupta.

Sarvshri S. L. Gupta and Shri K. S. Jain, for the management.

AWARD

Shri Udhey Narain Misra was in the service of M/s Frick India Ltd., 13/3, Mathura Road, Faridabad since 24th September, 1965. His services were terminated by the management on 4th April, 1973 allegedly on account of his union activities and he was also roughly handled by the Security Officer. He raised a demand for re-instatement which was not accepted by the management. On his demand notice conciliation proceedings were initiated which also ended in failure.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana, referred the dispute for adjudication to this Tribunal, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947,—vide order No. ID/FD/329/37055, dated 28th August, 1973 with the following terms of reference :—

Whether the termination of services of Shri Udhey Narain Misra is justified and in order ? If not, to what relief is he entitled ?

The parties put in their respective pleadings giving rise to the following three issues :—

- (1) Whether the demand the subject matter of the present reference was first raised by the management and rejected by it before taking up the matter for conciliation ? If not, with what effect ? (on workman)
- (2) Whether it is a case of self abandonment of service by the workmen concerned as alleged by the management ? (on management)
- (3) Whether the termination of services of Shri Udhey Narain Misra is justified and in order ? If not, to what relief is he entitled ?

Some evidence has been led on behalf of the management. It is, however, not necessary to go into the merits of the case and the issues involved as an amicable settlement has been arrived at between the parties. Their statements have been recorded. According to the settlement, a sum of Rs 2,119 has been paid to Shri Udhey Narain Misra, workman concerned in full and final settlement of his entire claim including wages, for earned leave, gratuity and some *ex gratia* payment. This amount has been paid to him today before the Court and he has passed on receipt to the management duly signed by him. He has given up his right of re-instatement or re-employment.

There is thus no dispute left between the parties and a no dispute award is given in terms of the above settlement holding that the workman concerned is not entitled to any other relief. There shall be no order as to costs.

Dated the 24th January, 1975

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 108, dated the 27th January, 1975.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 27th January, 1975

O. P. SHARMA,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9053-4Lab-76/33525.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the Management of M/s Celestial Private Limited, Plot No. 44, Sector-4, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 113 of 1975

between

SHRI HARI DASS WORKMAN AND THE MANAGEMENT OF M/S CELESTIAL PRIVATE
LIMITED, PLOT NO. 44, SECTOR 4, FARIDABAD

AWARD

By order No. ID/FD/75/50528, dated 16th July, 1975 the Governor of Haryana, referred the following dispute between the management of M/s Celestial Private Limited, Plot No. 44, Sector 4, Faridabad and its workman Shri Hari Dass to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :

Whether the termination of services of Shri Hari Dass was justified and in order ? If not, to what relief is he entitled ?

The parties put in their appearance in this Tribunal in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following issues framed, *vide* order, dated 9th February, 1976 with a direction to the workman to adduce his evidence on 11th May, 1976 :—

- (1) Whether it was legally necessary for the workman to raise a demand on the management and for the later to reject it before the matter was taken to conciliation officer, in order to constitute an industrial dispute ?
- (2) If yes, whether the workman adopted such a procedure ?
- (3) Whether the retrenchment of the workman was made on 25th February, 1975 ?
- (4) Whether the termination of services of Shri Hari Dass was justified and in order ? If not, to what relief is he entitled ?

Shri Roshan Lal authorised representatives for the workman did not appear on 11th May, 1976 at the time of hearing of the reference with the result that *ex parte* proceedings were taken up against the workman on that date and the case was adjourned to 22nd June, 1976 for recording the *ex parte* evidence of the management. Having regard to the circumstances that Shri Roshan Lal had appeared at about 11.30 A.M. after the hearing of the case, *ex parte* proceedings taken up against the workman on 11th May, 1976 were set aside, *vide* my order, dated 22nd June, 1976 with a direction to Shri Roshan Lal to appear on behalf of the workman on 24th August, 1976. Even though Shri H. R. Dua authorised representative for the management was present on 24th August, 1976, Shri Roshan Lal authorised representative for the workman, pursuing the demand served by the later on the management leading to the reference failed to do so with the result that the *ex parte* proceedings were taken up against the workman on that date and the *ex parte* evidence of the management was recorded on the issues framed.

Shri S. K. Majamdar employed as Time Keeper by the management, deposed as M.W. 1 that the services of the workman were retrenched on account of acute shortage of raw material and non-availability of power and a notice, dated 25th February, 1975 copy Ex. M-5 informing him about this action was sent to him through registered post and his earned wages, earned leave wages, retrenchment compensation and one months notice pay were remitted to him through money order. He brought on record the postal receipt Ex. M-6 and the money order coupon bearing an endorsement of the payment of a sum of Rs. 478.70 to the workman, Ex. M-7 besides seniority list Ex. M-8 showing that the workman was one of the juniormost retrenched employee, in support of his statement. He added that the retrenchment of the services of the workman was bona fide and not motivated.

I see no reason to disbelieve the statement of Shri S. K. Majamdar particularly when the proceedings against the workman are *ex parte* and he has not taken care to pursue the demand raised by him on the management. I, therefore, relying on the same hold that the retrenchment of the workman with effect from 25th February, 1975 was justified and in order and he is not entitled to any relief. I decide issues Nos. 3 and 4 accordingly. The management did not press the plea covered by issue No. 1 and I as such decide this issue against them.

The result is that the workman is not entitled to any relief. I answer the reference while returning the *ex parte* award in these terms.

Dated the 26th August, 1976

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1003, dated the 26th August, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 26th August, 1976

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.